

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RAHUL MEWAWALLA,

Plaintiffs,

v.

STANLEY C. MIDDLEMAN, et al.,

Defendants.

Case No. 21-cv-09700-EMC

**ORDER ON THE PARTIES'
ADMINISTRATIVE MOTIONS TO
FILE UNDER SEAL**

Docket Nos. 187, 188, 189

The parties had filed several administrative motions to file under seal. *See* Docket Nos. 131, 132, 135, and 137. The Court ordered the parties to re-file their administrative motions to file under seal, narrowing and clarifying their requests pursuant to L.R. 79-5 and *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1178-79 (9th Cir. 2006). *See* Docket No. 186.

The Court grants several of the parties' requests to file documents under seal. The Court does so without prejudice as to how these documents will be handled if this case proceeds to trial. Redactions must be "narrowly tailored." L.R. 79-5(a). The parties should be on-notice that, for dispositive motions, such as Motions for Summary Judgment, a party seeking to seal a document "must 'articulate *compelling* reasons supported by specific factual findings" to warrant redacting. *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1178-79 (9th Cir. 2006) (emphasis added). "Simply mentioning a general category of privilege, without any further elaboration or any specific linkage with the documents, does not satisfy the burden." *Id.* at 1184. Notwithstanding the Court's serious doubts about whether some of these documents warrant sealing, the Court orders sealing in the interim as set forth below:

Document	Identification of Portions to be Sealed	Granted/Denied
Defendant's Partial Motion	8:8-12 (pursuant to Docket	Grant (i.e. document to

1	for Summary Judgement	No. 132)	remain under seal for now)
2	Defendant's Partial Motion for Summary Judgement	3:3-21 6:18-24 7:9-12 8:4-5 8:22-9:1. 14:26-27. 15:9-10 20:10-12. 21:6-7 24-18:21 24:25-28	Deny
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8	Ex. FF to Docket No. 131	Xpanse's valuation of income on page 14 (the dollar figure in the final line of paragraph 45), 15 (the dollar figure in the first line of paragraph 47), and 17 (all dollar figures in paragraph 53).	Grant
9			
10			
11			
12	Ex. F to Docket No. 131	In its entirety.	Grant
13	Ex. CC to Docket No. 132	10:12	Grant
14	Ex. DD to Docket No. 132	Redact the specific figures listed in the email related to "Xpanse 2021 Net Income," "Revenue from Freedom orders currently on Keystone," "Licensing Fees," and "Adjusted Net Income."	Grant
15			
16			
17	Ex. II to Docket No. 132	In its entirety.	Grant
18	Ex. U to Docket No. 132	In its entirety.	Grant
19	MSJ Opp. Ex. 31 to Docket No. 137	Redact the specific figures listed related to Xpanse 2021 Net Income, Revenue from Freedom orders currently on Keystone, Licensing Fees, and Adjusted Net Income	Grant
20			
21			
22	MSJ Opp. Ex. 50	Redact the "conclusion" section to the extent it provides a specific estimate value of Xpanse	Grant
23			
24	MSJ Opp. Ex. 21	In its entirety.	Grant
25	MSJ Opp. Ex 31	In its entirety.	Grant
26	MSJ Opp. Ex 33	Redacted portions as shown in Docket No. 137.	Grant
27	MSJ Opp. 44	In its entirety.	Grant
28	MSJ Opp. 49	In its entirety.	Grant
	MSJ Opp. 50	In its entirety.	Grant

MSJ Opp. 51	In its entirety.	Grant
MSJ Opp. 52	In its entirety.	Grant
MSJ Opp. 8-12	In its entirety.	Grant
MSJ Opp. 14-18	In its entirety.	Grant
MSJ Opp. 19	In its entirety	Deny
MSJ Opp. 20	In its entirety	Deny

The parties agreed to unseal several exhibits. Pursuant to the parties stipulation, the following documents shall be publicly filed. For Docket No. 131, the parties agreed to publicly file: Exs. AA and A. For Docket No. 132, the parties agreed to publicly file: Exs. JJ, PP, and T. *See* Docket No. 187. For Docket No. 137, the parties agreed to publicly file: MSJ Oppn Exs: 37, 38, 43, and 47. *See* Docket No. 192 at 2.

For Docket No. 131, the parties eliminated pages that are not cited or relied on in several exhibits and then agreed to file those exhibits publicly. The Court agrees and thus grants. For Docket No. 131, those exhibits are: Exs. O, B, and S. *See* Docket Nos. 131, 188. For Docket No. 132, the exhibit is: Ex. EE.

The parties have agreed the declaration of Mr. Mewawalla in support of plaintiffs opposition to defendant's motion for partial summary judgment be redacted with respect to Xpanse's valuation. *See* Docket No. 191. The Court agrees and thus grants.

The parties shall file publicly redacted versions of these documents, consistent with the Court's rulings above, within three court days.

This Order disposes of Docket Nos. 131, 132, 135, 137, 187, 188, and 189.

IT IS SO ORDERED.

Dated: June 25, 2024



EDWARD M. CHEN
United States District Judge